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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,808	10/01/2001	Michael Pocock		3641

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EXAMINER

BROWN, RUEBEN M

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 07/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/965,808

Applicant(s)

POCOCK, MICHAEL

Examiner

Reuben M. Brown

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Introduction

1. Examiner notes that the enclosed Office Action is a sending of the Office Action mailed 10/6/2004, which was not received by the applicant. Therefore, the 3-month time period is reset, coinciding with the mailing of the current Office Action.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 19 is rejected under 35 U.S.C. 102(e) as being anticipated by Larsen, (U.S. Pat 3 5,539,635).

Considering claim 19, the claimed method of identifying a broadcast over a network comprising receiving a network address associated with a user inquiry, reads on the user

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inputting the broadcast identifier, when a radio request is made, (col. 5, lines 35-55 & col. 6, lines 1-8). The additionally claimed features of querying the database, to determine a match and if a match is found selecting one of the broadcast identifiers is met by Larsen, Abstract & col. 5, lines 21-67.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-18 & 20-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larsen, (U.S. Pat # 5,539,635), in view of Hirata, (U.S. Pat # 5,280,642).

Considering claim 1, the claimed method to identify radio or TV broadcasts through the combination of geographic ID and a broadcast ID, is met by the combination of Larsen & Hirata.

Regarding the claimed step of:

'digitally storing in a database geographic ID codes associated with an area or location of a radio or TV broadcast signal, such that the database stores data representing at least one broadcast identifier associated with a radio or TV broadcast signal, Larsen teaches storing in a database 64, at a radio program distribution system 8, the broadcast ID of a range of radio programs, and corresponding channels/frequency, Fig. 1; Abstract & col. 3, lines 5-35.

However, Larsen does not teach storing a geographic ID of the radio broadcast signal. Nevertheless, Hirata discloses a system wherein a receiver scans the radio broadcast frequencies of a region and assigns the scanned frequencies of a particular region to a particular region code, col. 2, lines 4-48). These region codes, associated with broadcast frequencies are stored in memory, which reads on the claimed subject matter, (col. 1, lines 45-65 & col. 3, lines 21-35). It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Larsen with the technique of storing a regional code with associated broadcast signals, for the advantage of utilizing a relationship between a geographic region and its broadcasters, in order to automatically recognize the region of a particular broadcast signal, as taught by Hirata, col. 1, lines 5-10.

'receiving user related information, such that the user related information comprises geographic ID and a broadcast ID, reads on the discussion in Larsen, using ANI, which identifies the address of the user, along the inputting the broadcast ID, Abstract; col. 2, lines 52-67 & col. 6, lines 8-28.

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'communicating the user related geographic ID information into the database to create a subset of data, which comprises data representing at least one broadcast identifier, and identifying the radio or TV broadcast from the subset, also reads on col. 5, lines 24-35 & col. 6, lines 8-28.

Considering claims 2-3, the Larsen teaches using touchtone technology to input the data needed by the system to process the user's request, col. 5, lines 1-30.

Considering claims 4-6, subset and indexing of broadcaster information reads on the creating lists of broadcaster according to similarities, Larsen col. 5, lines 40-67.

Considering claims 7-12, 15 & 23-27, Larsen teaches indexing broadcasters, which requires the transmission/reception of program description, col. 3, lines 25-45 & col. 5, lines 35-67.

Considering claims 13 & 17-18, the geographic ID in Larsen corresponds with the telephone number, col. 6, lines 8-20.

Considering claim 14, Larsen teaches that the invention is operable in a CATV environment, which would then provide the converter address as geographic information, col. 2, lines 65-67 thru col. 3, lines 1-5.

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Considering claim 16, the geographic ID in Hirata determines an area or region, col. 1, lines 40-55.

Considering claim 20, the claimed elements of a computer-implemented information system to identify a radio or TV broadcast, comprising features that correspond with subject matter mentioned above in the rejection of claim 1, are likewise treated. The additionally claimed processor reads on the Request Processing Unit 10 of Larsen, (Fig. 1).

Considering claim 21, the claimed feature of inputting the geographic ID code and the broadcast ID code separately, is broad enough to read on the user inputting the requested broadcast station and the system using the ANI technology to determine geographic information.

Considering claim 22, geographic ID comprising user related network address reads on the telephone number, which is the user's address on the PSTN network.

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Any response to this action should be mailed to:

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or faxed to:

(703) 872-9306, (for formal communications intended for entry)

Or:


(571) 273-7290 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F (9:00-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9306 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Reuben M. Brown


REUBEN M. BROWN
PATENT EXAMINER